

HOUSE No. 885

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others relative to sentencing of persistent violent offenders. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Bradley H. Jones, Jr.	Susan W. Pope
Mary S. Rogeness	Robert S. Hargraves
George N. Peterson, Jr.	Daniel K. Webster
John A. Lepper	Karyn E. Polito
Viriato Manuel deMacedo	Shirley A. Gomes
Elizabeth A. Poirier	Michael J. Coppola
Jeffrey Davis Perry	Todd M. Smola
Donald F. Humason, Jr.	Richard J. Ross

In the Year Two Thousand and Five.

AN ACT RELATIVE TO PERSISTENT VIOLENT OFFENDERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 274 of the General Laws, as appearing in the 2002
2 Official Edition, is hereby amended by inserting after section 1
3 the following new section:—

4 Section 1A.

5 (a) Any person convicted of two or more separate acts of vio-
6 lence when such offenses were not part of a common act, transac-
7 tion or scheme shall, upon conviction of a third or subsequent act
8 of violence, be sentenced to life imprisonment and shall not have
9 all or any portion of the sentence suspended, provided it is
10 admitted, or found by the jury or judge before whom such
11 offender is tried, that such offender has been previously convicted
12 of two or more such acts of violence.

13 For the purposes of this section, “act of violence” means any
14 one of the following violations:

- 15 (1) First and second degree murder, pursuant to section one of
16 chapter 265;
- 17 (2) Manslaughter, pursuant to section 13 of chapter 265;
- 18 (3) Assault with intent to murder or maim, pursuant to
19 section 15 of chapter 265; or assault with a dangerous weapon,
20 pursuant to section 15A of chapter 265;
- 21 (4) Armed burglary, pursuant to section 14 of chapter 266;
- 22 (5) Criminal sexual assault and rape, pursuant to section 22 of
23 chapter 265;
- 24 (6) Sex offense, sex offense involving a child, or sexually vio-
25 lent offense, pursuant to section 178C of chapter six;
- 26 (7) Conspiracy pursuant to section seven of chapter 274 to
27 commit any of the violations enumerated in items (1) to (6), inclu-
28 sive, of this section.
- 29 (b) Prior convictions shall include convictions under the laws
30 of any state or of the United States for any offense substantially
31 similar to those listed under “act of violence” if such offense
32 would be a felony if committed in the commonwealth.
- 33 (c) The commonwealth shall notify the defendant in writing, at
34 least 30 days prior to trial, of its intention to seek punishment pur-
35 suant to this section.
- 36 (d) Any person sentenced to life imprisonment pursuant to this
37 section shall not be eligible for parole.